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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER

DEBERADINIS, ROBERT L

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/812,073

Applicant(s)

FREITAS ET AL

Examiner

Robert DeBeradinis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 8, 10, 16, 17 are rejected under 35 U.S.C. 102(a) as being anticipated by SAXELBY 6,549,409.

Regarding claim 1.

SAXELBY discloses an energy conversion apparatus comprising a heat conductive base (202); a cover (214) operable to mate with the base so as to form a sealed space bounded by the cover and the base to prevent ingress of moisture; and a mount inside the space, for securing an energy conversion circuit to at least one of said cover and said base (figure 5).

Regarding claim 8.

SAXELBY discloses wherein said base is formed from metal (column 1, line 16).

Regarding claim 10.

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SAXELBY discloses wherein said base has a transformer mount, for mounting transformer (234) of said energy conversion device.

Regarding claims 16, 17.

SAXELBY discloses several converter shapes refer to the figures, the form factor is an inherent part of a design therefore no merit is given to the form factor.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2- 4, 7, 12, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of PELL 6,084,772.

Regarding claims 2, 4, 12.

SAXELBY discloses the apparatus in claim 1 and teaches a lid 214 mates with a lip 216 around the perimeter of the converter assembly and an encapsulant 218 fills the remaining space within the package.

SAXELBY does not disclose the space within the package having sealed air and having a vent in at least one of said base and said cover for venting humid air from said space.

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PELL discloses a sealed air enclosure (column 1, lines 38-41) having humidity control, a Goretex patch 21 provides for controlled moisture exchange with the external environment (column 8, lines 57-64).

The Examiner takes official notice. It is well known in the art the encapsulant has a disadvantage of adding weight to the apparatus.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the apparatus of claim 1 to have air in the sealed space instead of the encapsulant and to provide a vent as disclosed by PELL. The motivation not to use the encapsulant would have been to reduce the weight of the apparatus and the motivation to use a Gortex vent would have been to provide a means to vent hot air from the enclosure without exposing the enclosed air to external moisture (PELL, column 1, lines 38-40)

Regarding claim 3.

The above references do not disclose wherein said vent is located in said base.

The Examiner takes official notice. It is well known that one would want to place a vent in the area where the temperature is the hottest and this would obviously be in the area of the heat sink base. 

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide the above vent in the base. The motivation to locate the vent in the base would be to vent the hottest air to the environment to prevent this hot air from increasing the enclosed air temperature.

Regarding claim 7.

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The above references do not disclose wherein one of said base and said cover has sealable openings through which electrical conductors may pass.

The Examiner takes official notice. It is obvious to one having ordinary skill in the art to provide a means to seal a space through which a conductor passes.

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide sealable openings through which to pass conductors. The motivation would be to interface the sealed enclosed energy conversion device with control circuits external to the apparatus.

Regarding claim 21.

SAXELBY discloses the apparatus of claim 12, including circuit board (210).

SAXELBY does not disclose a plurality of circuit boards wherein mount includes holders in said base and in said cover for holding said circuit boards of said energy conversion device in spaced apart relation.

PELL discloses plurality of circuit boards mounted in spaced apart relation.

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide holders in said base and in said cover. The motivation to include such a mount would be to secure the plurality of circuit boards in the enclosed space in such a manner to efficiently remove the heat from the enclosed space.

Regarding claim 22.

SAXELBY in view of PELL disclose the apparatus of claim 21 wherein one circuit board is permitted to move relative to the other.

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SAXELBY in view of PELL do not disclose the feature of facilitating sealing between components on said circuit boards and said cover while permitting access to said components, from outside the cover.

The Examiner takes official notice. The means to provide an access to components from outside a cover are well known.

It would have been obvious to one having ordinary skill in the art at the time of this invention to seal a component from the sealed enclosure and provide access to the component. The motivation to seal the component from the enclosure is to enable adjustment of the component without unsealing the enclosure.

Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of PELL 6,084,772 and BOUTIN 4,987,919.

Regarding claims 5, 6.

SAXELBY discloses the apparatus of claim 1 having the enclosed space encapsulated.

SAXELBY does not disclose a drain for draining liquid from inside said space.

PELL discloses sealed air space requiring moisture control.

BOUTIN discloses condensation of moisture in a tank is a problem and provides a means for automatically draining moisture from tank.

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a drain for draining liquid from inside said space when the

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enclosed space is not encapsulated. The motivation would be to empty the enclosed air space from any liquid that has accumulated due to condensation.

Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of OYA 6,107,788.

Regarding claims 9, 18.

SAXELBY discloses the apparatus of claim 1.

SAXELBY does not disclose wherein said base has means for mounting said apparatus to a battery mount.

OYA teaches the converter should be located close to the battery (column 3, lines 37 plus).

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a means for mounting said apparatus to a battery mount. The motivation would be to locate the apparatus close to the battery to suppress voltage ripple.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of HIERS 5,278,002.

Regarding claim 11.

SAXELBY discloses the apparatus of claim 1 having a cover (lid 214).

SAXELBY does not disclose the type of material the lid is made of.

HIERS discloses a battery cover for protecting a battery made of rigid molded plastic (column 2, line 21).



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It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a molded cover formed of plastic. The motivation would have been to provide a rigid cover to protect the apparatus.

Claims 13, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of PELL 6,084,772 in further view of OOTANI 6,353,309.

Regarding claims 13, 14.

SAXELBY in view of PELL disclose the apparatus claimed in claim 12. PELL discloses operating sealed enclosure in +85 degree ambient air temperature.

SAXELBY in view of PELL do not disclose wherein said energy conversion circuit includes a plurality of switching devices configured to reduce heat generation sufficient to permit said energy conversion circuit to operate while said apparatus is in an ambient temperature range between about -40 degrees centigrade to about +85 degrees centigrade.

OOTANI discloses a plurality of switching devices in a converter to reduce power loss (heat generation).

It would have been obvious to one having ordinary skill in the art at the time of this invention to provide a plurality of switching devices configured to reduce heat generation sufficient. The motivation would be to achieve by designing the thermal control to keep the energy conversion circuit at 7 degrees C to 10 degrees C above ambient temperature (PELL, column 8, lines 56 plus).

Regarding claim 15.

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SAXELBY in view of PELL and OOTANI disclose the apparatus of claim 13.

The above references do not teach wherein a transformer is configured to reduce heat generation sufficient to permit said energy conversion circuit to operate while said apparatus is in an ambient temperature range between about -40 degrees centigrade to about +85 degrees centigrade.

SAXELBY discloses energy conversion circuit includes transformer (234).

PELL discloses wherein high thermal flux components, 10W to 50W, may be mounted on individual boards within the enclosed unit (column 1, lines 25-33).

It would have been obvious to one having ordinary skill in the art at the time of this invention to include a transformer configuration to reduce heat generation. The motivation would be to maintain the apparatus operating temperature to be within the 7 degrees C to 10 degree C temperature rise above ambient temperature (PELL, column 8, lines 56-64).

Claims 19, 20, 23, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of PELL 6,084,772 in further view of HAMMOND 4,487,300

Regarding claims 19, 23.

SAXELBY discloses the apparatus of claim 12, including circuit board (210).

SAXELBY does not disclose a plurality of circuit boards and a vibration damper for dampening vibrations of said circuit boards.

PELL discloses a plurality of circuit boards (34, 36, 38).

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HAMMOND discloses a vibration adjustable spacer (10), used to damp the vibration resonance of a number of circuit boards (abstract).

It would have been obvious to one having ordinary skill in the art at the time of this invention to include a plurality of circuit boards to mount additional circuits and a vibration damper between the circuit boards. The motivation to include a vibration damper would be to dampen the vibration resonance of the printed circuit boards.

Regarding claims 20, 24, 25.

The above references disclose the apparatus of claim 19.

HAMMOND discloses wherein said vibration damper includes supports (spacer 10, 10', 10'') extending between said circuit boards.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAXELBY 6,549,409 in view of FIORINA 4,764,684.

Regarding claims 26-28.

SAXELBY discloses the energy conversion apparatus of claim 12.

SAXELBY does not teach an inverter, a charger.

FIORINA teaches an energy conversion apparatus wherein said energy conversion device comprises a combination inverter (16) and battery charger (12).

It would have been obvious to one having ordinary skill in the art at the time of this invention to include in the energy conversion apparatus a charger and an inverter. The motivation to include the charger would be to charge an energy storage device for backup power and an inverter to provide an AC source of power.

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Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (703) 306- 5857. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (703) 308-31190. The Fax phone number for this Group is (703) 308-7722.

RLD

AUGUST 13, 2003

A handwritten signature in cursive script, appearing to read "Robert L. DeBeradinis".